

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SILVON SIMMONS,
Plaintiff,

AFFIDAVIT IN RESPONSE
TO MOTION TO COMPEL
Case No.: 17-cv-6176

v.

JOSEPH M. FERRIGNO, II, SAMUEL GIANCURSIO,
MARK WIATER, CHRISTOPHER MUSCATO,
ROBERT WETZEL, MICHAEL CIMINELLI, JOHN
DOES 1-20, CITY OF ROCHESTER,
SHOTSPOTTER INC., SST, INC., JOHN DOES 21-30
and PAUL C. GREENE,

Defendants.

BRANDON LA SAGE, being duly sworn, deposes and says:

1. I am a Senior Information Analyst for the City of Rochester ("City") in the Department of Information Technology. As part of my employment duties, I oversee Information Technology employees and the maintenance of information system applications and databases.
2. In my position, I am fully familiar with the former City's AVLS and TracStar system.
3. Though I was not in charge of that system I do have knowledge of the TracStar system and how it operated.
4. There was no retention period in place for TracStar data or records received by the system. Normally this would mean it would default to Information Technology systems catch all preservation of three years. However, this system was set up with an automatic 30-day removal of data because of the amount of data

TracStar produced.

5. This system was set up on an automatic schedule which removed all records after 30 days. Attached as Exhibit A is a printout of the removal of data during 2018 which would read exactly as the one from April 1, 2016 would read.

6. The April 1, 2016 data would have been removed on May 1, 2016 unless it was separately pulled prior to May 1, 2016. In this case it was not.

7. This automatic job of removing the data after 30 days was built into the system to prevent a bloat of data as it tracked data (GPS coordinates approximately every 30 seconds or less).

8. Each vehicle that this system was installed in would produce approximately 43,200 records per day. This would have overburdened the City of Rochester's mainframe unless it was regularly removed.

9. Additionally, there were many system program updates/upgrades which caused the TracStar system to reboot and remove any previously stored data from our records. Such an upgrade occurred around June or July of 2016 which would have permanently removed the data if it had not been purged during the automatic 30-day removal.

10. Removal of data means that it is purged from our database and written over by new information or data making the previously stored data in that computer space unusable or irretrievable.

11. The City of Rochester outsourced its management and maintenance of the TracStar application to a company called Bright Computers which controlled the upgrades and how it affected our databases.

12. I have searched all active databases and computers in the City of

Rochester and all deactivated computers and databases for TracStar data and the only data which I have located were the two partial Microsoft Sequel Databases that I forwarded to Mr. Campolieto and I have been told that he forwarded those to Michael Hughes, the CEO of TracStar.

Brandon La Sage

Sworn to before me this
10th day of March, 2022

Notary Public